

Express Mail No.: EL 500 577 070 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Leland W.K. Chung, et al.

Application No.: 10 070,350

Group Art Unit: To Be Assigned

Filed: February 27, 2002

Examiner: To Be Assigned

For: OSTEONECTIN BASED TOXIC
GENE THERAPY FOR THE
TREATMENT OF CALCIFIED
TUMORS AND TISSUES

Attorney Docket No.: 9426-023-999

**REQUEST TO ESTABLISH SMALL ENTITY STATUS, ASSERTION OF
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.27(a)(1) and 1.27(c)
AND REQUEST FOR REFUND UNDER 37 CFR § 1.28(a)**

Assistant Commissioner for Patents

Washington, D.C. 20231

Attention: Refund Section, Accounting Division
Office of Refund

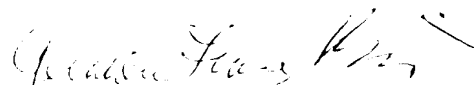
Sir:

Attorneys for Applicants request that Small Entity Status be established in the above-identified application, and submit that, since all rights in and to the above-identified application reside in the University of Virginia Patent Foundation, non-profit organization and its licensee Direct Gene, a small business concern, who have not assigned or transferred and are under no obligation to assign or transfer any rights in the invention to any one else who would not also qualify as a Small Entity, status as a small entity is appropriate.

A fee for a Petition of Extension of Time of \$ 920.00 was timely paid on November 14, 2002 in connection with the above-identified application, from Pennie & Edmonds LLP Deposit Account No. 16-1150, of which \$ 460.00 is in excess of the amount now required. Pursuant to 37 CFR § 1.28(a), Applicants request a refund of the excess amount of **460.00 be credited** to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date December 6, 2002


Geraldine F. Baldwin 31,232
(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090